

Res Schlesinger article
Hughes Emmet John
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Ordeal of Power
(A Thousand Days)

Question of Moral Duty

Ethics of Telling All About Dead President

By Roscoe Drummond

WASHINGTON.

Two books—"A Thousand Days" by Prof. Arthur M. Schlesinger Jr. and Emmet John Hughes' "The Ordeal of Power"—raise nagging ethical questions.

Is there to be no protection for the confidential relationship between a President and his advisers? Are his advisers to be free to publicize such confidences at will?

Is it right, is it responsible to reveal the confidences of a dead President which have the effect of undermining the world standing of a Cabinet official still bearing vast responsibility? Should the ethics of private business be less compelling than public life?

In other words, should the law which restricts a corporate official from using "insider's" information in his business capacity be more binding than the moral duty of a President's confidential adviser not to use his "insider's" information in his writing capacity?

These are fair and pertinent questions. They raise the crucial matter of ethics at the highest level of government. They concern the effective functioning of the Presidency.

Here is a distinguished historian who served for nearly three years in the White House. After he resigns he writes a magazine-serialized book drawing on the private conversations between President Kennedy and himself. He attributes to Mr. Kennedy such a derogatory estimate of Secretary of State Rusk that it tends to impair Mr. Rusk's standing in capitals where it is crucial that it be certain he has the total confidence of his President. (Today he does.) Mr. Schlesinger attributes to President Kennedy an unflattering reason for not firing Secretary Rusk in 1963—that he felt it would "constitute too severe a comment on his own original judgment" in appointing him.

Mr. Hughes' book on President Eisenhower which he wrote after he had served for a period as a White House speech-writer, did not make derogatory references to officials still serving in the next Administration. The book quotes heavily from Hughes' notes of private conversations

between the President and himself in his official relationship. The effect of the quotations was to paint an immensely unflattering portrait of the President.

It is impossible to legislate good taste, judgment and responsibility. But it is interesting that Section 16 (B) of the Securities and Exchange Act seeks to prevent the abuse of "insider's" information by corporate officials. As Judge Learned Hand pointed out in a decision bearing on this law:

"Nobody is obliged to become a director. . . . just as nobody is obliged to become a trustee of a private trust; but, as soon as he does, he accepts whatever are the limitations, obligations and conditions attached to the position."

Judge Warren Burger of the U. S. Court of Appeals stated that the "undoubted Congressional intent was to prevent persons from making private and gainful use of information acquired by them by virtue of their official relationship to a corporation."

Unquestionably Schlesinger and Hughes acted within the context of their honest convictions and own sense of responsibility. But now that the consequence of such use of Presidential confidence is so evident, second thoughts are in order. No historian is obliged to become an adviser to a President if he does not want to accept the obligations of the position.

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